

Patent Application No.: 10/808,748

### **REMARKS**

The above-proposed claims reflect amendments to the claims consistent with the previously submitted Response After Final Rejection. However, in the currently proposed amendment, claims 5 and 21-25 have been canceled without prejudice or disclaimer to the subject matter contained therein. Applicants also expressly reserve the right to present the cancelled claims in a continuing application.

This Amendment is again submitted under MPEP 714.13 and adopts the Examiner's suggestion to specifically limit the scope of claim 1 to consist of only a single folding pulley. The Amendment to claim 1 places the claim in condition for allowance because it is now presented using a closed form transitional expression "consisting of". Dependent claims 3, 6, 12 and 13 have been amended so as to remain consistent with amended claim 1 (claim 12 lacked antecedent reference to the recited gears).

The Office Action of Sept. 20, 2005 has been carefully considered. Furthermore, the Advisory Action indicated, and Applicants acknowledge, the allowability of claims 1-3, 6, 8, 9, 11-17, 19 and 20 as indicated in the Advisory Action. Reconsideration of this application, as now proposed by amendment, is respectfully requested. The amendments proposed above present the rejected claims in condition for allowance, having incorporated the Examiner's suggested revision to claim 1 and canceling non-allowed claims, and as such are requested by Applicants to be entered. As the nature of the amendment does not introduce new limitations not previously considered, or otherwise require a new search, Applicants respectfully seek entry thereof and indication of allowance.

### **Rejection under 35 U.S.C. §103 over Weber et al. in view of the 3M Bulletin is Respectfully Traversed**

Turning now to the substantive rejection, claims 1-3, 5, 6, 8, 9, 11-16 and claims 21-25 were rejected under USC 103(a) as unpatentable over Weber, et al. (US 5,725,140) in view of the 3M Technical Bulletin.

The Examiner has indicated that claim 1 would be allowable if expressed in a closed-ended transitional format such as "consisting of." In view of the proposed

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amendment to claim 1, the rejection under 35 U.S.C. §103 over Weber, et al, in view of the 3M Technical Bulletin is respectfully traversed.

In formulating the rejection under 35 U.S.C. §103, the Examiner alleges that Weber teaches a cam following lever type reciprocating component feeder having a ratchet driven roller for intermittently advancing the tape in a manner claimed by the applicant so as to pull the cover tape past a peel blade in order to separate the cover tape from the pocket tape, thereby exposing the component therein without the use of a drive motor. Notably, Weber fails to make any reference or suggestion for the use of a drive motor, control unit, single folding pulley or reservoir fullness gauge as claimed by the Applicant. The Examiner however recognizes that Weber fails to teach a folding pulley, and to meet this deficiency the Examiner alleges that the 3M Technical Bulletin teaches such a concept.

The 3M Bulletin discusses an improvement to cover tape handling whereby two or three folding rollers, in conjunction with a tensioning roller, fold the cover tape onto itself in order to capture the pressure sensitive adhesive there within. From these teachings, the Examiner concludes that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Weber with the teachings of the 3M Bulletin to provide a motor driven, single folding pulley component tape feeder having a reservoir fullness gauge.

The Examiner further alleges that the drive and control system for monitoring reservoir capacity as claimed by the Applicant are well known in the art. Notably, as required by 37 CFR 1.104(d)(2), no such teaching has been set forth for the recited element, let alone a teaching of a controller or similar unit as set forth in specific detail in dependent claims 3 and 6. Accordingly, the conclusion by the Examiner, and ensuing rejection of claim 1, is respectfully traversed.

While the 3M Bulletin discloses a multi-pulley cover tape folding system, such a teaching is not a disclosure of the single pulley system as now recited in amended independent claim 1. Moreover, in light of the Examiner's recommendation, claim 1 has been amended to specifically recite a feeder

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consisting of only a single folding pulley, and is now believed to be patentably distinguishable over the two and/or three folding roller disclosure of 3M. Claim 1 has been amended to further consist of a control unit as originally found as a limitation in dependent claim 3. Additionally, claims 3 and 6 have been amended to further characterize the control unit now initially recited within claim 1. Applicants note that the amendment to claim 1 does not add any new matter not previously considered as it merely recites an element previously incorporated in claims 3 and 6.

As for claims 3, 6, these claims recite elements for monitoring the advanced cover tape so as to gauge the remaining capacity of the reservoir. Neither Weber nor the 3M Bulletin make reference to a control unit, and both further lack an electromechanical means to advance the cover tape and to monitor the fullness or capacity of the reservoir (tape length or force required to drive the cover tape into the reservoir, respectively). In view of the failure of the cited references to disclose such limitations, claims 3 and 6 are urged to be patentably distinguishable over the combination of Weber in view of the 3M Bulletin.

Claims 8, 9 and 11 also recite limitations not found in Weber or the 3M Bulletin. Each claim recites limitations relative to the structure of the cover tape reservoir introduced in claim 1, such as the interior surface of the reservoir found (claim 8 – 9) and/or the shape of the perimeter (claim 11). As the specific limitations of claims 8, 9 and 11 are not taught or suggested by the references as set forth, either independently or in combination, Applicants respectfully submit that no *prima facie* obviousness has been established and request that the Examiner withdraw the rejection of claims 8, 9 and 11 and indicate the allowance thereof.

Referring now to the rejected claims 13 – 16, the claims set forth a further limitation of a splice deflector. Neither Weber nor the 3M Bulletin recognize the problems encountered while folding over the edges of a cover tape that has been previously spliced to yet another cover tape. As disclosed in the specification (e.g., pg. 10, line 10) a splice has a tendency to peel away from the cover tape as it is pulled over the radius of the single folding pulley. Accordingly the claimed

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limitation of a splice deflector maintains the attachment of the splice as the cover tape bends into the folding pulley. Applicants submit that absent a teaching of the problem to which the splice deflector is directed, both Weber and 3M Bulletin cannot disclose a solution. Accordingly, claims 13 – 16 are believed to be patentably distinguishable over the cited references, and are believed to overcome the rejection.

In summary both Weber and the 3M Bulletin, singly or in combination, fail to teach or suggest the use of a control unit to facilitate the advancing of a component carrier tape, or the use of a single folding pulling and monitoring the volume of the cover tape fed within a tape feeder.

In view of all the reasons set forth above, the Examiner is respectfully requested to enter the newly proposed amendment and indicate the allowance of the remaining claims, or to withdraw the Final Action and provide Applicants with a detailed rejection to which a response or further amendments as of right can be directed.

In the event that additional fees are required as a result of this response, including fees for extensions of time, such fees should be charged to USPTO Deposit Account No. 50-2737 for Basch & Nickerson LLP. If personal contact is advantageous to the timely disposition of this case, please contact Applicant's attorney, Duane C. Basch, at Telephone Number (585) 899-3970, Penfield, NY.

Respectfully submitted,



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